

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:09CR368
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
ARIEL SANCHEZ-GARCIA,)	
)	
Defendant.)	

This matter is before the Court on the Defendant's motion for leave to proceed in forma pauperis on appeal (Filing No. 143). A notice of appeal (Filing No. 142) has been filed.

The Court previously summarily denied the Defendant's motion filed under 28 § U.S.C. 2255, and he was denied leave to proceed in forma pauperis on appeal with respect to that order. The Court then denied the Defendant's motion for relief filed under Federal Rule of Civil Procedure 60(b)(6) as a motion to relitigate the issues raised in the § 2255 motion. The Defendant now seeks to appeal from the latter order. The Court certifies that the appeal is not taken in good faith and, therefore, the motion to proceed in forma pauperis is denied. 28 U.S.C. § 1915(a)(3).

IT IS ORDERED:

1. The Defendant's motion for leave to proceed in forma pauperis on appeal (Filing No. 143) is denied; and
2. The Clerk is directed to mail a copy of this Memorandum and Order to the Defendant at his last known address.

DATED this 12th day of January, 2012.

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge